

COMMITTEE ON HUMAN SERVICES
(Standing Committee of Berkeley County Council)

Chairman: Mr. William E. Crosby, District No. 3

A **meeting** of the **COMMITTEE ON HUMAN SERVICES**, Standing Committee of Berkeley County Council, was held on **Monday, April 12, 2004**, in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:14 p.m.

PRESENT: Mr. William E. Crosby, Council Member District No. 3, Chairman; Mr. Milton Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No. 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. James H. Rozier, Jr., Supervisor, ex officio, was excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

Chairman Crosby called the meeting to order and asked for approval of minutes from the Committee on Human Services Meeting held February 9, 2004.

APPROVAL OF MINUTES

It was moved by Council Member Pinckney and seconded by Council Member Spooner to approve the minutes as presented. This motion was passed by unanimous voice vote of the Committee.

A. Mr. John Nutter, Chief Animal Control Officer, Re: Amend Animal Control Ordinance.

Mr. John Nutter stated his request to amend the current Animal Control Ordinance. It has been a little over ten years since any major amendments were made to it. Other local jurisdictions and state laws have changed in that time period, and it is believed the County should be in compliance with those changes.

Council Member Spooner questioned the present guideline in comparison to the requested amendment of "An animal is considered abandoned when it has been left unattended for twenty-four (24) hours" (Page 1 of draft).

Mr. Nutter responded that it is three days. The state law is 24 hours. Often, if a homeowner cannot be contacted, that indicates the animal has had no food or water, potentially, and needs to be cared for by somebody. There have been many incidences where the property looked abandoned, and Animal Control does not want to leave an animal in a dangerous situation any longer than possible. At the shelter, the animal would be properly cared for. Usually, there is a complaint from someone about a particular location. There are procedures against stepping onto the property and removing the animal. A notification would have to be left, preferably, on the front door of the residence that Animal Control had been there and why. Animal Control would return 24 hours later to verify the animal was still there and in the same condition.

Council Member Spooner referred to Page 6, (K), of the draft, which states in part that, "no person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purposes, any live pet, at any flea market." This was a frequent occurrence.

Mr. Nutter responded that a lot of complaints were received regarding the status of the animals at the flea markets. Unfortunately, Animal Control is not contacted until the following Monday. It can take weeks before reaching any sort of resolution to the complaint. A lot of people sell animals out of the back of their cars, and many of the animals are not in very good condition. Often, these animals have no access to water at these locations, and very few of them have any sort of shade, especially in the middle of the summer. An option would be to eliminate outdoor sales, at the very least, at a flea market. With an indoor booth, there is more shade, fans can be hooked up and animals can be given water on a timely basis.

Council Member Spooner referred to Page 3, (F), of the draft ordinance, which defines public nuisance in part as, "barks, whines, howls, screeches, or crows in an excessive, continuous or untimely fashion that disturbs the peace of neighbors". She questioned how it was determined that an animal was considered a nuisance.

Mr. Nutter responded that individuals were requested to appear in court to testify exactly what the condition was that they experienced. There is also a form the individual filing the complaint must fill out as to the nature of the complaint. This form allows an individual to record entries of dates, times and durations the event occurred. It is that type information and public testimony necessary to possibly convict someone of violating that part of the ordinance.

Council Member Steve Davis asked if the definition of "dangerous animal", on Page 2, originated from state law?

Mr. Nutter responded yes, that state law and other local jurisdictions are very similar. The law, as it is written, would require a dog, for example, "to get one hit". At that point, it would need to be determined to be a dangerous animal for future prosecution under the Dangerous Animal Law. It is not a breed-specific law (i.e., pit bulls).

Council Member Steve Davis questioned the need for these type dogs (dangerous animals) to be fenced in a certain area – six feet.

Mr. Nutter responded that the intention was to make it very difficult for any unauthorized person to be in contact with the dog, and conversely, for the dog to get out to harm someone else again. Once the hearing determined the animal was dangerous, notification would have to be posted warning people not to come any closer to the animal.

Council Member Spooner referred to Page 1, middle paragraph, which stated in part, “any animal which has been impounded and not reclaimed for forty-eight (48) hours after the circumstances causing the impoundment have ceased to exist may be disposed of by the animal shelter pursuant to Section Six; in no event shall the animal shelter be required to board an animal for more than ten (10) days.”

Mr. Nutter responded that this would be primarily a situation where someone is arrested at their house for something such as in a drug raid. Animal Control would pick-up the animal and attempt to contact the owner to see if they have family or someone who could pick up the animal from the shelter and care for it. If the owner does not have anyone to care for the animal, they are asked if they want to release the animal to the shelter. Due to the lack of size of the shelter, there are problems keeping animals for a long period of time.

Council Member Spooner referred to Page 13, (E), where it states, “For each animal that is impounded more than one time within a twelve (12) month period, the redemption fee shall be increased by fifty (50) percent from the previous redemption fee.”

Mr. Nutter responded that was a fee the ASPCA would collect. This was to deter individuals from continuing to allow their pets to run at large and be a constant, perpetual problem.

Council Member Steve Davis referred to Page 14, (A), where it states in part, “anyone who strikes a pet or domestic animal with a motor vehicle and injures or kills the animal must immediately attempt to notify the owner or the Animal Control Officer.”

Mr. Nutter responded that Animal Control would appreciate the contact so the animal could be taken care of if it was still alive. It is a state law that the person causing the injury at least attempt to notify the owner. If it is a dead animal, either the County will pick it up or the State Highway Department, depending on the location.

Council Member Spooner referred to Page 14, (C), wherein, it states in part, “any pet or animal received by a veterinarian or the Animal Shelter in critical condition may be euthanised at their discretion if the owner cannot be contacted within two (2) hours.”

Mr. Nutter responded that it depended on the suffering of the animal. If it is a broken leg, it can be easily taken care of, and the animal can be medicated so it does not feel pain as much. That is one option. If the animal was suffering and close to death, it would be the decision of the veterinarian to euthanise.

Council Member Spooner questioned the penalty being raised from \$200 to \$500.

Mr. Nutter responded that the maximum amount under Magistrate's Court that could be potentially imposed is \$500. The increase is due to the severity in which some of these animals are neglected, treated or abused.

Council Member Fish questioned the difference between the time period of 48 hours for unclaimed animals on Page 11, and animals not redeemed in 14 days on Page 12.

Mr. Nutter responded that the 48 hours was in relation to someone, for example, who had been arrested, and the animal was picked up because the County was there at the same time of the arrest or the owner was talked to at the jail. Once the owner is released from jail, he/she would have 48 hours to claim the animal. The 14 days would be in a situation where an animal was picked up, there was some sort of identification to trace the owner, and the owner was contacted. The owner would then have 14 days to pick up the animal.

Chairman Crosby asked if there was a time period in which the amendments to this ordinance needed to be adopted?

Mr. Nutter responded there was no time period.

Council Member Steve Davis asked if dog fighting was addressed in this ordinance?

Mr. Nutter responded that there was no direct animal fighting law in the ordinance. It would fall under "cruelty", Page 5, (C), which states in part, "cause, instigate or permit any dogfight or other combat between animals or between animals and humans." Any person in violation of that paragraph would be guilty of a misdemeanor and charged the maximum fine of \$500 or 30 days in jail for each offense. The generic \$500 at the very end of the draft ordinance would depend on the severity and the officer's discretion as to whether or not the full amount would be charged.

Mr. Nutter continued by stating that the state did not specify what must and must not be done with regard to animal control. There are state rules, and municipalities are allowed to form their own rules.

Chairman Crosby stated that once these rules were adopted, it appeared that it would necessitate an individual answering calls on the weekend other than on an emergency basis.

Mr. Nutter responded that was not his intent, as Animal Control did work a lot of hours as it was. On the weekends, Animal Control does try to limit the calls responded to unless the animal is in danger itself or endangering others. If an animal is aggressive, we will respond, but for barking and howling, they respond the following Monday – first day of the week.

Chairman Crosby recommended that the proposed amendments to this ordinance be held in Committee, in order for Council Members to have more time to thoroughly review the changes. If there were any questions, Mr. Nutter would answer them next month.

It was moved by Council Member Fish and seconded by Council Member Steve Davis that proposed amendments to the Animal Control Ordinance be held in Committee until May, in order for Council Members to have more time to examine the changes. The motion was passed by unanimous voice vote of the Committee.

It was moved by Council Member Spooner and seconded by Council Member Steve Davis to adjourn the Committee on Human Services. The motion was passed by unanimous voice vote of the Committee.

Meeting adjourned at 6:40 p.m.

May 10, 2004
Date Approved

COMMITTEE ON HUMAN SERVICES
(Standing Committee of Berkeley County Council)

Chairman: Mr. William E. Crosby, District No. 3

Members: Mr. Milton Farley, District No. 1
Mrs. Judith K. Spooner, District No. 2
Mr. Charles E. Davis, District No. 4
Mr. Dennis Fish, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

A **meeting** of the **COMMITTEE ON HUMAN SERVICES**, Standing Committee of Berkeley County Council, will be held on **Monday April 12, 2004**, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, following the meeting of the Committee on Community Services at **6:00 p.m.**

AGENDA

APPROVAL OF MINUTES:

February 9, 2004

A. Mr. John Nutter, Chief Animal Control Officer, Re: Amend Animal Control Ordinance.

April 7, 2004
S/Barbara B. Austin
Clerk of County Council